

**ANALYSIS OF TRIAL COURT UNIFICATION  
IN CALIFORNIA  
*FINAL REPORT***

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Submitted to:  
Administrative Office of the Courts  
Judicial Council of California

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We are also grateful to the representatives of the twenty courts who participated in the Trial Court Unification Policy Conference. Their assistance in reviewing and clarifying the analysis of impacts and their willingness to share their own experiences with trial court unification shaped the findings presented here. Their insight into the future needs of the unified courts, including the need for a statewide court information service, provided the basis for many of the recommendations presented in this report.

We are also grateful for the oversight and guidance provided by the staff of the Administrative Office of the Courts (AOC). We thank all of the staff with whom we had an opportunity to work. We particularly wish to thank Jacquelyn Harbert, Richard Schauffler, and Fred Miller of the AOC's Research and Planning Unit and Dale Sipes, Deputy Administrative Director, for their enthusiastic collaboration in this research effort.



## EXECUTIVE SUMMARY

On June 2, 1998, California voters approved a constitutional amendment permitting judges in each county to merge their superior and municipal courts into a unified court upon a majority vote of judges from each court. This report contains the results of a qualitative analysis of the impacts of trial court unification on the courts that had unified prior to April 1999. The emphasis of the analysis is on understanding the benefits that courts have realized as a result of unification. In addition, this analysis focuses on identifying the successful strategies used to create unified trial courts, the challenges that unified courts continue to face, and the lessons learned from their experiences in trial court unification. Building on those findings, this analysis outlines a process for ongoing assessment and development of the unified trial courts of California.

The analysis was conducted by the American Institutes for Research (AIR), under contract to the Judicial Council of California. The study was designed with input from the Administrative Office of the Courts (AOC), representatives of a number of unified trial courts, and the results of an earlier study of the likely impacts of unification on California's courts. The findings from this analysis are consistent with benefits that were anticipated as a result of trial court unification in California and are consistent with those presented by the National Center for State Courts in 1994.

### Impacts of Unification

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The study examined the impacts of trial court unification in four major areas: (1) the utilization of judicial resources; (2) the organization and efficiency of court staff; (3) the efficiency of court operations; and (4) the quality of services provided by the courts.

#### Judicial Resources

The most direct impact of unification for courts was in the improved use of judicial resources. The reports of the courts indicate that:

- Most courts achieved greater flexibility in assigning judges to cases.



- Unification removed jurisdictional constraints on making judicial assignments and permitted courts to organize judicial resources more flexibly, most often on the basis of case type (e.g., civil, criminal, family, etc.).
- Judges and other judicial officers have typically been hearing a wider range of cases than they were prior to unification.
- An increased need for training of judicial officers has accompanied the expansion of case types to which they are assigned.
- Judges typically perceived training positively as an opportunity for renewed professional interest and development.

### **Court Staff**

The opportunities for improved administrative efficiencies that courts began to realize as a result of court coordination continued under unification.<sup>1</sup> While short-term effects of structural changes may have created some temporary inefficiency, most of the courts reported that unification provided opportunities for greater efficiency in utilization of court staff. Some of the impacts on court staff included the following:

- Courts typically reduced duplication of effort by establishing a single countywide coordinator for major departments (e.g., civil manager, criminal manager).
- Organization of staff by function rather than jurisdictional divisions is permitting courts to reallocate non-judicial personnel in a manner more consistent with countywide need.
- Demand for staff training increased substantially as a result of the need for staff to be familiar with a wider range of legal and case processing procedures and new technologies.

While courts were divided on whether they have yet experienced greater personnel efficiency, most courts are convinced that the unified court will provide higher

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<sup>1</sup> The formal initiation of court coordination began with the Trial Court Realignment and Efficiency Act of 1991 which prescribed a three-year effort to coordinate the activities and resources of the former municipal and superior courts. (See Appendix A).

quality service to the public per employee than could have been achieved with separate court systems.

### **Court Operations**

Court managers and most staff, as well as the judiciary, believe that unified courts are or can be more efficient than were the courts of separate jurisdiction. Some of the indications of support for this optimism include the following:

- Courtrooms are more fully utilized as a result of improved efficiency in use of judicial resources.
- Improved calendars and case management practices have reduced backlogs and, in some cases, improved time to disposition.
- Standardization of rules, policies, and procedures has made courts more consistent.
- Improvements in technology are making courts more responsive to the needs of users.

However, the experience of the courts also shows that these improvements are ongoing and that unification has illuminated certain outstanding needs. In particular:

- Many courts have a continuing need for integrated computing resources and technology to replace the separate and often incompatible systems that characterized the pre-unification court system.
- Adequate planning and funding of facilities are among the most pressing needs of unified courts.

### **Quality of Service**

Although many court services are invisible to most of the general public who rarely come into contact with the court, trial court unification has had an impact on the experience of those who do use court services.

- Most courts reported that more cost-effective use of judicial officers and court staff has facilitated program expansion (e.g., drug courts, domestic violence courts, services to juveniles).
- Most courts reported substantial improvements in access to courts through such changes as reorganization of operations and facilities, new hours of operation, alternative filing processes, and new or alternative payment options.
- Courts overwhelmingly reported that they can now speak with one voice when dealing with the public and with other organizations.
- Justice system partners of the court tended to report either improved working relations or no change in relations with the courts since unification.

## Overall Benefits

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Participants in this study overwhelmingly agreed that unification of the trial courts has been a positive development for the California judicial system – one that has benefited the communities the courts serve as well as the judiciary and court staff. The most often cited improvements that have resulted from or been facilitated by trial court unification are:

- Greater cooperation and teamwork between the judiciary, other branches of government, and the community.
- More uniformity and efficiency in case processing and more timely disposition of cases.
- Enhanced opportunities for innovation, self-evaluation and re-engineering of court operations.
- More coherence to the governance of the courts and greater understanding by other branches of government and the public.
- Courts becoming a unified entity and speaking with one voice in dealings with the public, county agencies, and the justice system partners.
- Greater public access and an increased focus on accountability and service.

## Lessons Learned

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The collective experiences of California's courts suggest certain factors that are important to a successful transition to a unified trial court system. Some of the key lessons learned by the courts include the following:

- Strong, committed leadership from the judiciary is essential to successful change.
- Participatory decision making is an effective tool for change.
- Strong internal communications systems are needed to develop trust and to promote collaboration.
- Technology is vital to improving court performance.
- Getting everyone on the same team is as important as skill training.
- Cross-training requires a balance between specialization and flexibility of assignment.
- Court facilities and design can severely limit the ability to reorganize and restructure court operations.
- Receiving input from the community provides helpful direction for quality service.
- Change must be viewed as an opportunity for continuous improvement.



## Recommendations

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California Government Code Section 68113(d) charges the Judicial Council of California with “*establishing a process to assess the effectiveness and efficiency of those trial court systems that have unified...*” This report presents several recommendations for how the Judicial Council of California and the Administrative Office of the Courts (AOC) can accomplish this mandate while, at the same time, helping courts maximize the benefits of trial court unification. The recommendations fall into two categories that reflect two important roles of the Judicial Council — Advocacy and Service — and build on several initiatives that are already underway.

### Advocacy for Courts

- *Judicial Resources*: Encourage the state to reassess and provide resources to meet judicial resource needs.
- *Court-County Relations*: Support the transition from county to court administration by identifying needed legislation, drafting model agreements, and providing legal opinions concerning local service agreements.
- *Court Employee Status*: Finalize resolution of employment status for court employees by promoting legislation<sup>2</sup> to implement recommended changes.
- *Facilities*: Establish a statewide system for comprehensive planning, financing, and construction/renovation of court facilities and incorporate those needs into the budgeting process.
- *Support Resources*: Identify and promote increased funding for new support resources, especially in the areas of human resource management, that arise as a result of state funding and unification.
- *Trial Court Funding*: Propose modifications to the state funding formulas and the court budget development process that ensure adequate and predictable funding for the courts.

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<sup>2</sup> Legislation is pending Senate Bill 2140, Burton.

## Service to Courts

- *Coordination of Research Efforts:* Coordinate research, reporting requirements, and requests for information in ways that minimize the burden on the courts and increase courts' access to information.
- *Judicial Training:* Increase access to training for judicial officers through such means as regional delivery of programs and distance learning.
- *Court Staffing:* Assess issues related to recruitment and retention of qualified and culturally, ethnically, and racially diverse court workforce.
- *Staff Development:* Increase access to training for court staff through more case-specific training programs, regional delivery of programs, shorter training programs, and distance learning.
- *Change Management:* Provide additional training and information sharing in areas related to change management and court re-engineering.
- *Technology and Communications Infrastructure:* Develop standards for computer technology, telecommunications, and case management systems that promote statewide compatibility and facilitate the exchange of information.
- *Technology Assistance:* Provide technical assistance and improve training on the development and use of information systems.
- *Information Management Service:* Establish a *Court Management Information Service* that provides standardized information on resources, service delivery, and operating characteristics to facilitate monitoring and continuous improvement of court services.

## INTRODUCTION

Prior to 1998, the Constitution of the State of California provided for a two-tier system of trial courts that consisted of 58 superior courts (one in each county) and 209 municipal courts. Superior courts had jurisdiction over all felony cases and all general civil cases involving disputes over \$25,000. These courts also had jurisdiction over probate, juvenile, and family law cases. The municipal courts had jurisdiction over misdemeanor and infraction cases, civil matters involving claims of \$25,000 or less, including small claims that did not exceed \$5,000, and presided over felony arraignments and preliminary hearings to determine probable cause to hold defendants for further proceedings in superior court.

On June 2, 1998, California voters approved a constitutional amendment permitting judges in each county to merge their superior and municipal courts into a single countywide court upon the vote of a majority of the county's superior court judges and a majority of its municipal court judges. Upon unification, the municipal court judges become superior court judges and are subject to countywide election. Upon unification, municipal court employees become employees of the unified superior court and municipal court locations become locations of the countywide superior court. To date, the judges in 56 of California's 58 counties have voted to unify their trial courts.<sup>3</sup>

The Judicial Council of California has undertaken a statewide study to assess the initial impact of trial court unification on the courts. The study was conducted by the American Institutes for Research (AIR), a nationwide, not-for-profit social science research firm with specialties in individual and organizational performance. The study was conducted in three parts:

- *Phase I: Study Design.* Design a process to assess the initial impact of trial court unification based on input from a broad range of individuals and organizations involved in or affected by court unification.
- *Phase II: Initial Analysis.* Conduct an initial assessment to determine the effects of unification through an in-depth study of four unified courts and a statewide analysis of the courts that had unified.
- *Phase III: Ongoing Analysis.* Outline recommendations for analysis and assistance to the unified courts.

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<sup>3</sup> Kings and Monterey Counties, the only non-unified courts, are designated as preclearance counties for the federal Voting Rights Act of 1965. Both counties are pursuing preclearance authorization to unify from the U.S. Department of Justice.



The results of Phase I of the analysis were presented in a separate report titled *Analysis of Trial Court Unification: Study Design* included in the technical appendix to this report. This report contains the results of the Initial Analysis (Phase II) and presents recommendations for ongoing analysis (Phase III). The report is organized as follows:

- *Background of the Study.* This section clarifies the scope and limitations of the analysis, summarizes the analysis framework that guided the design and conduct of the study, and describes the data collection design and methodology.
- *Analysis of Impacts.* This section presents findings in four areas of impact: (1) Judicial Resources; (2) Court Staff; (3) Court Operations; and (4) Quality of Service. Under each area of impact, the initial impact of trial court unification is summarized, along with successful strategies for unification, the remaining challenges facing the courts, and suggestions for ways that the Judicial Council and the Administrative Office of the Courts can support the courts in meeting those challenges. This section also highlights the lessons learned as a result of unification.
- *Recommendations.* This section outlines a series of recommendations for ways that the Judicial Council and the Administrative Office of the Courts can effectively support the unified courts.

The authors of this report are Mary Anne Lahey, Ph.D., Bruce A. Christenson, Ph.D., and Robert J. Rossi, Ph.D. of the American Institutes for Research in Palo Alto, California. Dr. Lahey served as Principal Investigator and Dr. Christenson served as Project Director for the study. Dr. Rossi served as Senior Advisor for the project. Research scientists Kaaren Hanson and Alison Shank provided critical research support. Oversight for the project was provided by the Research and Planning Unit of the Administrative Office of the Courts.

## STUDY DESIGN

In the request for proposal (RFP) issued by the Judicial Council of California, the purpose of this analysis was defined as:

An initial assessment of the impact of trial court unification that will serve to inform the Judicial Council, the Legislature, and the state and national community on the ability of trial courts to innovatively allocate resources to improve service to the public, improve the quality of justice, and achieve new efficiencies and increased effectiveness.

The scope of the analysis was defined by the Administrative Office of the Courts (AOC) and encompassed the 53 courts that had unified as of the time that the study was commissioned in April 1999. The five counties that had not unified their courts by that date — Kern, Kings, Los Angeles, Modoc, Monterey — were not included in this analysis.<sup>4</sup>

## Scope and Limitations

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Since 1990, the trial court system in California has seen major changes in administrative structure and processes (primarily as a result of the mandates of court coordination), in budgeting processes (primarily associated with the transition to state funding of trial courts) and in jurisdictional structures (primarily as a result of trial court unification). The specific ways that these change efforts (see Appendix A for a summary of key milestones) have affected each of the individual courts varies as a function of the size, organization, and management of each local court. Nevertheless, it is safe to say that most (if not all) courts in California have experienced significant transformation over the past 10 years.

The option to unify a county's municipal and superior courts into a single unified court is the latest step in a series of reforms designed to bring greater coherence to the court. Trial court unification provided each county in California with the opportunity to have a single trial court, a single class of judges, and full integration of support services to the judiciary. The analysis reported here was designed to determine whether a unified court structure does, in fact, allow for the delivery of high quality court services to the community.

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<sup>4</sup> Since the study was begun the courts in Kern County, Los Angeles County, and Modoc County have been unified.

This study was initiated in August of 1999, less than a year after many of the courts had become unified. The timing of the analysis — before many of the intended long-term benefits of trial court unification could be realized — led to a focus on the *processes* underlying successful court unification and did not attempt to investigate issues related to the costs or cost-savings associated with unified courts. Rather, the emphasis of the study was on understanding the short-term impact that unification had on the courts, documenting successful strategies for change, and identifying the remaining challenges facing the unified courts. As such, the bulk of the data collected and analyzed for this study are qualitative (e.g., self-reports, archival reports, anecdotal, etc.) rather than quantitative. In addition, the analysis aggregates results (e.g., by court location, size, etc.) to identify themes or patterns across the California court system. Where found, differences among courts of varying sizes and structures are highlighted.

California courts have been undergoing significant changes over the past decade. The pace and extent of that change makes it difficult to clearly isolate the effects of trial court unification from those associated with court coordination, state funding of trial courts, community-focused court planning, and other efforts designed to increase the coherence, efficiency, and responsiveness of the trial courts. In spite of this difficulty, this analysis identifies ways that trial court unification has played a unique or facilitating role in court improvements and, where needed, identifies how unification has benefited or detracted from other court reform efforts.

## Analysis Framework

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As a tool to determine the direction of the analysis, AIR began by developing a detailed framework that outlined the expected areas of impact and the key questions to be addressed in the study. This framework (illustrated on the following page) was based on input from AOC staff and members of the court community. A detailed description of the framework is presented in a study design report contained in the accompanying volume titled *Analysis of Trial Court Unification in California: Technical Appendix (Technical Appendix Volume)*.

## **Analysis Outcomes**

The outcomes of the analysis were defined during the design phase to include lessons learned from unification efforts, best practices in court unification, and identification of remaining barriers to full unification of the courts. In keeping with the desire of the Judicial Council and the AOC to create an environment of learning and mutual support, these outcomes reflect an understanding of the impacts of court unification, rather than assessment of the court's unification status. It is expected that the study results will be used by the courts, the AOC, and the Judicial Council to support the ultimate goal of continuous improvement of the California courts.

## **Areas of Impact**

The analysis framework shows that trial court unification was expected to have impact in four major areas: (1) the utilization of judicial resources; (2) the organization and efficiency of court staff; (3) the efficiency of court operations; and (4) the quality of services provided by the courts (e.g., case backlogs, pace of litigation, service to the public).

## **Court and County Context**

The ways in which trial court unification affected the courts were expected to vary as a function of the local environment. The analytic framework reflects the characteristics of the court, which were anticipated to influence the analysis and include the size of the court, the geographic location, the number of court facilities, and the court's prior experiences with coordination. To the extent that these characteristics influenced the findings in the analysis, they are highlighted in this report.

# Trial Court Unification Analysis Framework

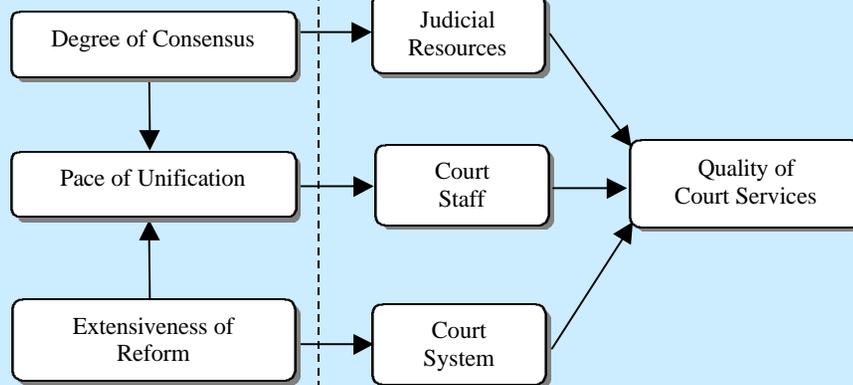
## County Context

- Size
- Diversity
- Socioeconomic Status
- Crime Rate
- Geography
- Urban/rural

## County Court System

- Sense of Community
- Judicial Resources
- Staffing
- Case Load
- Case Flow
- Budget
- Governance
- Court Facilities
- Information Systems
- Past Coordination Efforts

## Unification



## Areas of Impact

## Analysis Outcomes

- Understanding of Impact of Unification on Trial Courts
- Lessons Learned from Unification Efforts
- Best Practices in Implementing Unification
- Identification of Barriers to Court Effectiveness
- Document Success of Local Courts

## Project Design and Methodology

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The project design included: a preliminary analysis based on case studies in four courts; and statewide analysis based on input from other unified courts.

### Case Study

Case study investigations were conducted in the following four counties chosen to be representative of the size and geographic dispersion of the California courts: Fresno, San Diego, San Luis Obispo, and San Mateo counties. The case studies included background investigation of court and county characteristics and site visits to each court to interview court representatives (i.e., judicial officers, court management and line staff) as well as other representatives of the justice system (i.e., district attorney, public defender, probation officers, local bar association). Detailed information on the case study procedures, including protocols for the interviews, is contained in the *Technical Appendix* volume.

### Statewide Input

During the study design phase, AOC staff and court personnel raised concerns about response rates and the quality of the data obtainable from a mail survey. To address those concerns, a multi-step process for obtaining statewide input into the impacts of trial unification was designed and statewide input to the analysis was solicited from the three sources described below. Materials prepared for the statewide input phase of this study appear in the *Technical Appendix* volume.

- *CJAC Workshops.* The preliminary findings from the case studies were presented at two workshops held in January 2000 in connection with the California Judicial Administration Conference (CJAC).
- *Policy Conference.* A representative group of court managers from 20 courts (see Appendix B) met with the research team to provide input into the key findings regarding the impacts of unification and recommendations for future Judicial Council and AOC support to the unified courts.
- *Serranus Feedback.* The preliminary report of this study was posted on *Serranus*, the internal Web site of California's judicial branch. Courts were encouraged to provide feedback on those results and to continue sharing best practices through web-based discussion.

## ANALYSIS OF IMPACTS

Summarized below are the key findings concerning the impacts of trial court unification. Results are aggregated across all sources of data including case study sites, workshops conducted at CJAC, and the policy conference attended by representatives of 20 of California’s unified superior courts.<sup>5</sup> Differences in impact among courts of varying size, composition, or experiences are noted. When possible, the relative impact of trial court unification is contrasted with the effect of state funding for trial courts, court coordination, and other court reform programs. Following the summary of findings in each area, we list the successful strategies implemented by the courts who have participated in this study and identify the challenges those courts continue to address.

### Judicial Resources

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Proponents of unified trial courts argue that a single-tier trial court system provides for greatly improved use of judicial officers over a two-tier system. A unified trial court removes the fixed jurisdictional lines separating the judiciary and allows greater flexibility to allocate judges, commissioners, and referees in ways that accommodate the actual caseload in a county. In the words of one presiding judge, trial court unification serves primarily to “remove the last irritating barrier to our efforts to be a fully consolidated court.”

#### Flexibility in Assignment of Judicial Officers

Our analysis found that the most significant impact of trial court unification is, in fact, in the utilization of the judicial resources of the court. The vast majority of courts (90 percent) reported greater flexibility in the assignment of judges to cases as a direct result of unification; the remaining courts had achieved maximum flexibility in assignment of judges prior to formal unification. Although many courts had been cross assigning judges as part of their court coordination efforts, unification brought even greater flexibility and efficiencies in the use of judicial resources for an overwhelming number of courts.

This greater flexibility was reported in all but the smallest of courts; unified courts with fewer than five judges operate much as they did before unification. In addition, courts that had achieved a high degree of coordination prior to

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<sup>5</sup> Percentages reported in the following sections are calculated from data obtained from the 20 courts that participated in the policy conference.

unification have experienced relatively little change since unifying; courts that were not highly coordinated experienced the most dramatic change. In the small number of counties with geographic challenges (i.e., large land areas, large number of court locations, mountain ranges or other physical barriers), courts have been limited in their ability to take full advantage of the flexibility in judicial assignment that unification provides since travel to different parts of the county is difficult.

Most courts achieve greater flexibility by organizing judicial assignments by case type (civil, criminal, family, etc.) rather than by jurisdiction, although the geographically-challenged courts must often consider courthouse location as well. Building on practices begun under coordination, many courts formed teams for specific case types and assigned judges to cases outside their regular team to respond to fluctuations in caseload. This allows judges to maintain an area of concentration while simultaneously providing for flexibility in case assignment.

Judicial assignments in the unified courts tend to be made for fixed terms by the presiding judge on the basis of the preferences and expertise of the judicial officers. Annual assignments were most common, although a few courts assign judges to specific case types for two or three-year terms. Due to the evolving and specialized nature of the law related to certain case types (e.g., family, drug, juvenile), assignments in these areas tend to be longer than other case assignments.

In general, judges and other judicial officers reported greater cohesiveness, along with an improved sense of teamwork and more collegiality, in the court since trial court unification. The removal of jurisdictional boundaries and opportunities to work together as a whole court, along with the pay parity that was institutionalized by unification, are credited with fostering greater cooperation and greater levels of job satisfaction among the judiciary.

### **Demand for Training of Judicial Officers**

All courts consulted for this analysis reported an increased need for training of judicial officers as a result of unification. Regardless of size or other court characteristics, judicial officers across the state have experienced an increase in need for training as they take cases that are different than those they were assigned before unification.

Most often, training has taken the form of self-education, with judges individually reading textbooks and case law, bench books, and other printed materials. Classes sponsored by the Center for Judicial Education and Research (CJER), internal

workshops, videos, and audiotapes are also commonly used training tools. Coaching from other judges and court clerks is another common strategy that has the added advantage of increasing cooperation and building collegiality within the court. Overall, judicial officers were satisfied that the opportunities and resources they need to learn new areas of the law, rules of court, and case processing procedures are available to them. In fact, many judges reported that the learning associated with new case assignments has provided for professional development and renewal.

### **Judicial Involvement in Leadership and Management of the Courts**

Since unification, courts have experienced a heightened awareness of the importance and value of strong judicial leadership. Courts consistently reported that strong and committed judicial officers were a critical factor in their ability to adjust to the changes associated with unification and in the subsequent success of their unified courts. To the extent that the judicial officers were willing to look beyond the former jurisdictional boundaries and work together as a single court, the staff was better able to implement needed changes and create a more unified team.

As important as judicial leadership is to the success of trial court unification, few courts reported any significant changes in judicial involvement in management of the courts. As a result of Rule 991 of the California Rules of Court, court coordination included the election of a single presiding judge; most courts had accomplished this change prior to unification. In fact, earlier court reform efforts were perceived to have increased the need for judges to become more active managers of the court, a responsibility that has continued since unification.

In larger counties, where the unified courts are substantially more complex than were the courts of separate jurisdiction, the presiding judges and supervising judges reported spending more time managing judicial resources since unification. In some counties the presiding judge has also become involved in new management issues, such as handling labor relations and negotiating agreements with county elected officials, since unification. These issues related to employment, facilities, and county support services to the courts, however, are primarily the result of state funding of trial courts, and not unification per se.

### **Reliance on Temporary and Subordinate Judicial Officers**

Courts did not report any significant increase or decrease in their reliance on assigned judges or on subordinate judicial officers as a result of trial court unification. Judges and Court Executive Officers suggested that the significant number of judicial vacancies and budgeting procedures for the assigned judges program made it unlikely that there would be much change in their dependence on these resources to meet the demands of the caseloads.

While the use of subordinate judicial officers (SJOs) and temporary judicial officers did not change significantly, many courts did report more effective utilization of those resources. As with judges, the SJOs have been cross-assigned and detailed to court locations as needed to serve the caseload of the court. The additional judicial resources made available as a result of efficiencies from unification have been used to resolve backlogs and provide needed additional services.

### **Judicial Specialization**

As a result of unification, many of California's judicial officers are hearing new case types — cases that previously were heard in courts outside of their jurisdiction. In all except the smallest courts, the majority of judicial officers are hearing a wider range of cases since unification (e.g., civil cases concerning all amounts, both felonies and misdemeanors, and consolidated charges together for the same defendant). As a result of greater flexibility in assignment, many judges report that their caseloads are less “specialized” than prior to unification.

Judges who sat on the municipal court bench prior to unification reported more changes to case assignments pre- and post-unification than did former superior court judges. With trial court unification (and court coordination), many courts implemented memoranda that preserved specific assignment rights. Those agreements, along with a relatively low volume of “superior court” cases, were sometimes viewed as limiting opportunities for change in case assignments. As the terms of the memoranda expire and new felony or complex civil litigation cases come into the caseload, it is expected that even more judges will hear new case types.

Other exceptions to reports of less specialization involved judges whose calendars are primarily in family, juvenile, or therapeutic courts (e.g., drug, domestic violence, and mental health). Because of the specialized nature of the law in these areas, judicial officers with these assignments are not frequently cross assigned to

other cases, particularly in the larger courts. Since unification, many courts have been able to increase the number of judges in family and therapeutic courts, reportedly because of efficiencies gained from new judicial assignment practices.

### **Successful Strategies for Management of Judicial Resources**

The most significant impacts of trial court unification have involved the judicial officers. In many courts, unification has provided substantially greater flexibility in the utilization of judicial resources. Even those courts that had implemented systems for cross assignment of judges during coordination and, therefore, made small changes in assignment practices, had reported significant changes in judicial attitudes as a direct result of unification. Judicial officers reported a heightened spirit of cooperation, increased communication, and greater comraderie with the elimination of the jurisdictional boundaries between municipal and superior courts.

Perhaps not surprisingly, courts that had made substantial progress in cross-assignment of judges during court coordination reported that their coordination experience provided a strong basis for effective utilization of judicial resources after unification. In addition to past relationships, courts relied on specific strategies for team-building, communication, training, and case assignment designed to help forge a cohesive culture among all judicial officers (see Table 1 below).

<b>Table 1. Successful Strategies for Managing Judicial Resources</b>	
	<i>Successful Strategies</i>
<i>Leadership</i>	<p>Created judicial teams under the guidance of a supervising judge, by case type or by court location.</p> <p>Provided for continuity of leadership by retaining presiding judge or team leader assignments for multiple years.</p> <p>Included judges in key operational decisions.</p> <p>Created Advisory Council to provide input to Presiding Judge.</p>
<i>Communications</i>	<p>Scheduled frequent and regular communications to keep all judges informed about new developments.</p> <p>Used e-mail to communicate judicial needs and availability.</p>
<i>Information and Technology Systems</i>	<p>Implemented computerized system for tracking caseloads by judicial assignment.</p> <p>Created common e-mail platform so that all judicial officers and staff could communicate.</p>
<i>Team Building and Motivation</i>	<p>Created court-wide committees to review case management and judicial assignment practices.</p> <p>Presiding and assistant presiding judges served in different regions or court locations.</p>
<i>Calendaring and Assignment Practices</i>	<p>Implemented memoranda that allowed judges to maintain their case assignments for specified periods of time.</p> <p>Provided for annual re-assignment of judges to case types or teams.</p> <p>Identified back-up judges for each calendar.</p> <p>Vertically integrated case assignments.</p> <p>Encouraged judges to volunteer for new assignments and different case types as schedules permit.</p> <p>Assigned a single judge to hear civil cases in all branch courts.</p> <p>Traffic referee travels to branch courts.</p>
<i>Training and Recruitment</i>	<p>Developed a library of resources (e.g., CJER tapes, bench binders, etc.) to be shared among all judges.</p> <p>Judges mentored each other on new assignments.</p> <p>Assigned experienced clerks to work with newly-assigned judicial officers.</p>

## Remaining Challenges Regarding Judicial Resource Issues and the Courts' Suggestions for Judicial Council Support

The unified courts continue to face challenges in the effective use of judicial resources (see Table 2 below). Some of these challenges are a direct result of unification (e.g., managing larger numbers of judges, providing adequate training on new case types), while others existed prior to unification (e.g., unfilled vacancies). Regardless, these challenges must be addressed if the courts are to take full advantage of the opportunities that unification provides. The courts' suggestions for ways that the Judicial Council and the AOC might help them to address the challenges are also listed below.

	<i>Remaining Challenges</i>	<i>Judicial Council Support</i>
<i>Resources</i>	Filling judicial vacancies.	<ul style="list-style-type: none"> <li>• Continual assessment of judicial needs on a statewide level.</li> <li>• Encourage state to authorize and fund new judgeships and fill existing judicial vacancies.</li> <li>• Encourage increased funding for the assigned judge program to help maintain current calendars.</li> </ul>
<i>Leadership</i>	Developing judicial leadership.	<ul style="list-style-type: none"> <li>• Increase availability of training.</li> </ul>
<i>Communications</i>	Learning about successful strategies from other courts.	<ul style="list-style-type: none"> <li>• Provide funding for video-conferencing.</li> </ul>
<i>Information and Technology Systems</i>	Completing case file automation.	<ul style="list-style-type: none"> <li>• Provide resources to support technology projects.</li> </ul>
<i>Calendaring and Assignment Practices</i>	Creating incentives for judges to hear certain types of cases. Large case loads. Lengthy civil cases. Geography (e.g., long distance, sparse population, geological barriers).	<ul style="list-style-type: none"> <li>• Share innovations in calendaring and assignment practices.</li> </ul>
<i>Training and Recruitment</i>	Finding time for training. Providing timely access to information. Recruiting new judges. Funding for training resources.	<ul style="list-style-type: none"> <li>• Provide more frequent training at regional level.</li> <li>• Provide training in periods shorter than one week.</li> <li>• Seek funds to reimburse courts for training.</li> <li>• Develop bench books that can be shared among courts.</li> </ul>

## **Court Staff**

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Advocates of trial court unification contend that a single court system increases the ability to reduce duplication in court administration and to effectively align court support resources to meet the demands of the caseload. The significant administrative efficiencies realized as a result of court coordination were expected to continue under unification as trial courts made additional improvements in their organizational structures. Recognizing that the short-term effect of structural change can be limited and create some inefficiency, it was expected that unification of court staff would provide greater opportunities for efficiency and result in substantial cost avoidance over the long-term.

### **Structure and Leadership of Court Administration**

The administrative structure of most of California's courts changed notably after trial court unification. Because the standards for coordination outlined in Rule 991 prescribed the appointment of a court executive officer (CEO) with countywide administrative responsibility, some courts had a single CEO before the courts were unified. Prior to unification, however, these CEOs still administered courts of separate jurisdiction; after unification the court structure was changed to eliminate this separation. The larger court systems that were created with unification posed significant challenges to court executives, especially in the areas of personnel, budgeting, and facilities planning.

Strong leadership from court executives, both internally and externally, was a key element in the successful transition to a unified court. Judicial officers, court staff, and justice systems partners all noted that those courts led by a CEO who was highly visible and supportive of unification made smoother transitions than did those courts whose CEOs were less visible or were perceived as opposing unification. Consistent and clear communications from the CEO to both the staff and the court community was among the most important elements in facilitating the unification of the courts.

Another critical component of success was the extent to which the judicial officers of the court delegated responsibility for court administration to the CEO. In courts where the judicial leadership voiced a high degree of confidence in the CEO and their staff, and assigned day-to-day management to the staff it was easier to achieve a consistent set of policies and procedures for the unified court. In fact, many judges reported that unification of the courts allowed them to focus more on policy, rather than operations, and to better team with the CEO to effect stronger court management systems.

Since unification, some courts have hired top-level managers from outside the judicial branch. In those courts, both the judges and the court staff noted that having a leader who was not associated with either of the previous courts helped everyone to move more easily toward unified policies and procedures. Regardless of whether the administrative leadership of the unified courts was drawn from court or non-court organizations, leaders with a county-wide perspective, diverse organizational experiences, and who were not entrenched in the former court structures were instrumental in facilitating the transition to a unified court.

### **Organization and Management of Non-Judicial Personnel**

Most of the courts consulted in this study (about 80 percent) reported that the reporting relationships among court staff have changed notably since trial court unification. Many of those changes began either with or prior to court coordination. Removal of the jurisdictional barriers between courts as a result of trial court unification, however, allowed courts to expand and improve their organizational restructuring efforts.<sup>6</sup> In many courts, managers and line staff have been reclassified, reassigned, relocated, and retrained as they moved from being an employee of either a municipal or superior court to being an employee of a county's unified superior court.

In general, courts either have implemented or are moving toward structures where staff are aligned functionally (e.g., civil, criminal, family, operations) in ways that transcend historic distinctions between municipal and superior courts. Some of the changes reported as part of this functional alignment include:

- Establishing a countywide manager or coordinator for each of the courts' major departments (e.g., civil manager, criminal manager, etc.);
- Assigning courtroom clerks to court managers, rather than to judges, and rotating assignments as needed to adjust to caseload or court needs; and
- Using "roving" teams of central processing clerks who specialize in particular types of cases (e.g., misdemeanor, family, etc.) to assist judicial officers working on cases in the team's area of expertise.

Such functional assignments help courts eliminate the duplication of effort that existed formerly and permit reallocation of non-judicial resources in a manner consistent with countywide needs. An exception to functional restructuring occurs in some of the

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<sup>6</sup> Those courts that experienced no changes in reorganization as a result of unification reported that they completed restructuring and reassigning staff as part of their coordination efforts.

large courts and those with geographic challenges where issues of location must also be taken into account.

Among court staff, post-unification restructuring has been more likely to impact the organization of central processing clerks than either courtroom clerks or courtroom support staff (e.g., court reporters, bailiffs). In most unified courts, courtroom clerks are exclusively assigned to a single judge, although a number of courts reported that clerks sometimes assist another judge or courtroom clerk with new case types.

Since unification, trial courts have needed to add personnel in critical infrastructure areas such as human resource management, budget administration, technology support, and facilities planning. The need for these types of positions is partly the result of the increased size of the unified courts. The changing relationships between the courts and the county government as a result of state funding, however, has also contributed to the need for additional personnel. Generally, the larger courts have had an easier time meeting these needs by reallocating cost savings and existing personnel resources. Smaller courts have to add new positions to meet the emerging personnel needs or do without critical support services.

### **Demand for Training**

All courts involved in this analysis reported that the demand for training of non-judicial personnel has increased notably. Although some of this increased demand is due to increases in complexity of case management and information systems, much of the demand is fueled by the organizational restructuring that came first with court coordination and then with trial court unification. As court operations have become functionally based, historic areas of concentration for clerks and other personnel have become obsolete. All clerks, as well as other courtroom support staff, are increasingly required to know the legal and case processing procedures across a wider range of areas. This need is even more critical in courts that reported high levels of turnover in non-judicial personnel since unification.<sup>7</sup>

While not strictly a result of unification, the need for training in computer technology — especially those systems related to case management and case processing — has increased notably since unification. Most courts have or are considering implementing new information management systems, with more complex hardware and software replacing the older systems. In addition, on-line access to courts, Web-based filings and payments, and greater use of e-mail and other electronic

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<sup>7</sup> Although several courts reported significant turnover in non-judicial personnel, no statewide data are available to quantify this effect.

communications processes have surfaced the need for a much more technologically literate workforce in the unified courts.

Courts also expressed a desire for staff training in areas related to organizational change and communications. Those courts that provided training in change management, career development, interpersonal communications, customer service, and supervision reported greater ease in the transition to a unified court. The need for increased training in these areas is not strictly due to unification. Rather, the restructuring and more complex court procedures that resulted from coordination, state funding of trial courts, *and* unification have presented court staff with greater challenges in organizational development.

### **Efficient Utilization of Non-Judicial Personnel**

Courts consulted in this analysis were split in their opinions about whether they experienced greater personnel efficiencies as a result of unification. Approximately one-half of the courts reported that the organizational changes and new operational procedures that accompanied unification allowed personnel to work more efficiently. The remainder of the courts reported either that all increases in efficiency occurred as a result of court coordination or that there were no improvements in efficiency.

Courts that made changes in the organization, assignment, or reporting relationships of their non-judicial personnel often experienced a temporary loss in efficiency and quality of service as new procedures were designed and implemented, different case-processing techniques were learned, and offices and case files were moved to new locations. Recognizing that short-term inefficiencies have occurred, many court executives, managers and staff remain convinced that a unified court system provides the opportunity for higher quality service and better utilization of resources than did the two-tier court system.

### **Successful Strategies for Unification of Non-Judicial Personnel**

The transition from jurisdictional to unified courts has significantly changed the organization and responsibilities of non-judicial personnel. In general, courts that were most successful in helping non-judicial personnel through the transition were those that established a unified personnel system where job classifications, work responsibilities, salaries, and accountability requirements were standardized and clearly communicated. To the extent that the courts clearly addressed employee concerns on issues of employment status, job security, pay parity, and compensation, they experienced less loss of productivity and less disruption of service than those

who did not address those concerns as effectively. As shown in Table 3 below, the successful strategies in this area are quite broad.

<i>Leadership</i>	<p>Clarified management structure and reporting relationships, including new organizational chart.</p> <p>Assigned full responsibility for administrative decisions to the CEO.</p> <p>Created new career paths for employees by adding supervision and management levels where appropriate.</p> <p>Rotated court administrators to new positions.</p> <p>Established single personnel department for the unified court.</p> <p>Developed comprehensive policies and procedures manuals based on input from employees and unions.</p> <p>Changed reporting for courtroom clerks from judicial officers to court management.</p>
<i>Decision-making</i>	<p>Reduced judges' involvement in administrative decisions.</p> <p>Empowered employees to develop "the best" operational policies and procedures for the court.</p> <p>Created "re-engineering team" to draft new policies and procedures.</p>
<i>Communications</i>	<p>Frequent and open communications between union representatives, presiding judge, and CEO.</p> <p>Held weekly staff briefings to communicate latest developments.</p> <p>Established a "buddy system" for personnel to visit other court locations and learn how things are handled in other locations.</p>
<i>Information and Technology Systems</i>	<p>Provided formal training on new computerized information systems.</p>
<i>Team Building and Motivation</i>	<p>Created work teams to standardize procedures, identify and solve problems, and see the countywide perspective.</p> <p>Created "work environment team" to improve team building practices.</p> <p>Moved employees' offices to help them "see" new court structures.</p> <p>Conducted management retreats/meetings to let managers know one another, voice their concerns, and develop solutions to problems.</p>
<i>Training and Recruitment</i>	<p>Provided opportunities for cross-training based on employee interest.</p> <p>Assigned new staff to work alongside experienced staff.</p> <p>Started newly-hired court clerks in positions outside the courtroom to better prepare them for the courtroom and so that they can see their colleagues' and customers' viewpoint.</p>
<i>Facilities</i>	<p>Co-located staff into functional units.</p>
<i>Other Changes</i>	<p>Adopted Trial Court Performance Standards to guide court through process re-engineering.</p> <p>Implemented local pay equity policy.</p> <p>Held vacant staff positions open until reorganization was complete.</p>

## Remaining Challenges Regarding Staffing Issues and the Courts' Suggestions for Judicial Council Support

There was a high degree of consensus concerning the staffing challenges that unified courts continue to face. Although many of those challenges reflect internal management issues, a few of the challenges are statewide or systemic. Specific ways that the Judicial Council and the AOC can assist the courts in meeting those challenges are shown in Table 4 below.

**Table 4. Challenges Regarding Staffing Issues and Courts' Suggestions for Judicial Council Support**

	<i>Remaining Challenges</i>	<i>Judicial Council Support</i>
<i>Resources</i>	Reducing staff turnover. Filling staff vacancies. Funding to hire staff.	<ul style="list-style-type: none"> <li>• Revise trial court funding process to provide sufficient resources for meeting staffing needs.</li> </ul>
<i>Leadership</i>	Overcoming resistance to change. Helping staff deal with change.	<ul style="list-style-type: none"> <li>• Disseminate information on reorganization strategies used by courts in other states.</li> <li>• Provide professional development for managers in areas related to organizational change.</li> </ul>
<i>Communications</i>	Improving communication between line staff and management. Creating a culture that is open and accepting of change. Communicating that innovation is accepted and encouraged.	<ul style="list-style-type: none"> <li>• Share information grouped by courts of similar size, geographic regions, etc.</li> <li>• Develop mechanisms for court staff to share information about operations.</li> <li>• Share strategies for fostering innovative thinking in staff.</li> </ul>
<i>Team Building and Motivation</i>	Breaking down "us vs. them" attitudes held over from superior and municipal court. Bridging isolation that comes from geographical barriers. Ensuring that service is the central focus of the work.	

**Table 4. Challenges Regarding Staffing Issues and Courts' Suggestions for Judicial Council Support**

	<i>Remaining Challenges</i>	<i>Judicial Council Support</i>
<i>Training and Recruitment</i>	Cross-training of clerks on cases and procedures. Staff development. Recruiting high-quality employees.	<ul style="list-style-type: none"> <li>• Develop case specific training programs for courtroom clerks, office staff, and managers.</li> <li>• Structure training into shorter time frames with regional delivery.</li> <li>• Encourage additional state funding for staff training.</li> <li>• Continue to provide training programs for line staff; provide on a regional basis.</li> <li>• Assist courts in filling staff training positions.</li> <li>• Provide technical assistance and grants to provide staff and training for special programs and services.</li> </ul>
<i>Facilities</i>	Improving access to workplace through transportation, parking, etc. Maintaining court security. Minimizing the negative effects of physical space (limited space, configurations).	<ul style="list-style-type: none"> <li>• Continue to provide leadership in efforts to maintain existing facilities and develop new court facilities.</li> </ul>
<i>Other</i>	Maintaining the momentum for change. Resolving statewide personnel policy issues <sup>8</sup> .	<ul style="list-style-type: none"> <li>• Clarify employment status for non-judicial employees.</li> <li>• Develop standards for employment status.</li> <li>• Mechanism in budget process for predicting and securing funds for COLAs and realignment of staff salaries.</li> </ul>

<sup>8</sup> The Trial Court Employee Task Force was charged with addressing these issues and, therefore, they were not examined in detail in this analysis.

## Court Operations

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Previous analyses of the likely impact of trial court unification on court operations concluded that unified courts would provide opportunities for better caseload management, improved records management and information systems, greater uniformity in rules and procedures, and improved utilization of facilities. Building on the progress that resulted from court coordination and from state funding of trial courts, it was expected that unified courts would be able to realize greater economies of scale than courts of separate jurisdiction.

To explore these questions, the analysis framework for this study identified several areas of court management and operations that might be affected by the structural reform of trial court unification. Among the areas investigated were: case scheduling practices, case management and processing procedures, court management and planning, information management systems, and the ability to share resources between and among unified courts.

### Calendaring Practices

Prior to trial court unification, the mandates of court coordination encouraged the superior and municipal courts to adopt joint calendaring and case scheduling processes. Since unification, courts have been able to coordinate and consolidate their calendar practices even more. In general, the impact of unification has been to move courts even closer toward calendaring systems that eliminate the need to transfer cases between court departments and permit judges to treat cases (and individuals) holistically rather than in separate pieces.

In the course of our analysis, courts described three types of calendars:

- Master calendars — presiding judge or supervising judge assigns cases to a particular judicial officer at the time that the case event is scheduled;
- Direct calendars (or vertical calendars) — a single judge is assigned a case from “birth to death” including all preliminary matters, case conferences, trial motions and trials, sentencing, and post-disposition matters; and
- Hybrid calendars — combining master and direct calendar practices in various ways, with a common practice being to use a master calendar system for the initial stages of a case (e.g., arraignments and preliminary hearings) and direct assignment for all remaining matters.

Over half of the courts consulted in this study — including small, medium and large courts and those from all areas of the state — reported that some aspect of their calendaring system had changed *as a result* of unification.<sup>9</sup> Typically, the changes affected only certain types of cases or certain court locations. The most often cited change was movement toward vertical calendaring, especially for civil cases.<sup>10</sup> Changes in calendars since unification were perceived to speed-up case scheduling and case processing, to reduce “forum shopping” by attorneys, and encourage alternative dispute resolution (e.g., settlement, mediation, binding arbitration). In addition, courts that implemented vertical calendars since unification reported that the public perceives greater coherence and less fragmentation in the court.

While judges and court staff were positive in their assessment of direct or vertically integrated calendars, some judges and justice system partners voiced concerns about the impact of those systems on the fairness of the outcomes. Concerns were voiced about whether former municipal court cases would be primarily delegated to subordinate judicial officers, rather than to judges. Some public defenders and district attorneys wondered whether fairness was compromised under a direct calendar system since it removed the independent review that often came when a case was assigned to a new judge after the preliminary hearing. Others wondered if the emphasis on timely disposition of cases reduced the overall quality of justice. Although many of those who raised these concerns did not have evidence of a decline in the quality of justice, they suggested that processes be put into place to monitor outcomes more closely.

### **Case Management Systems and Practices**

In most courts, the streamlining of case-processing systems initiated during court coordination was continued under trial court unification. For example, courts reported that those local rules and procedures that were in conflict or inconsistent when the courts unified have been standardized. Comparable procedures are used for filing, scheduling, and tracking civil cases, regardless of the amount of the claim. Similarly, criminal cases are filed, scheduled, and tracked under a single system from arraignment through post-disposition. The specific ways that case management practices changed are unique to the circumstances of each court. The

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<sup>9</sup> The courts reporting no change in calendar systems as a result of unification also included small, medium, and large counties.

<sup>10</sup> Several courts had implemented vertical calendaring systems for criminal cases prior to unification. In many courts, parallel changes in the civil calendar did not occur until after unification.

majority of courts consulted in this analysis, however, reported that unification has facilitated their efforts to implement fully-integrated case management systems.

More than half of the courts consulted also reported that, since unification, court users have access to more locations to file cases than they had prior to unification. The creation of a unified, countywide court was viewed as an aid to implementing case filing procedures tailored to the specific circumstances of the court. A survey of case filing practices conducted by the staff of the Superior Court of California, County of San Diego also found an increase in cross-location filing (i.e., the ability to file all case types at all locations) since unification. It was noted, however, that ease of implementation of cross-court filings requires compatible computer software across all court locations (and court divisions) and well-trained employees.

### **Planning**

As a result of coordination efforts and the transition to state funding of trial courts, superior and municipal courts engaged in joint planning and budgeting processes. As a result, courts began to see a “bigger picture” for consolidated services and facilities based on system-wide efficiencies obtained from joint court planning. Since unification, courts have found that planning has become even easier as former jurisdictional barriers are eliminated and administrative processes are more standardized. Courts also reported significant improvements in communications with external parties (e.g., the county administration, the public) since the court now “speaks with one voice” and has greater bargaining power than did smaller, individual courts.

### **Facilities**

Most courts reported substantial improvements in the use of courtrooms and court facilities as a result of trial court unification. Courts with multiple courthouses have increased the number of locations where court users can file cases. Several courts have added to the services available in the courthouses across the county. In all but the smallest counties, the courts consulted for this study reported that courtrooms are more fully utilized as a direct result of the increase in efficiency of judicial resources that has accompanied trial court unification.

In a few counties, debates about the existence and scope of branch court facilities have been created or renewed as a result of trial court unification. With the elimination of the jurisdictional boundaries between superior and municipal courts,

some counties are considering consolidation of courthouses in an effort to reduce facility and maintenance costs. Although such decisions are driven more by resource issues than by unification, it was reported that unification helps the courts to organize the delivery of services in ways that meet countywide needs. As courts continue to reorganize and relocate services, they face critical decisions that involve balancing operational efficiency with public access.

These decisions are even more difficult because many of the newly-unified courts of California face significant challenges related to the adequacy of space and facilities. Lack of space for court employees, for jurors and for justice system partners (e.g., attorneys), as well as inadequacies in building features, such as layout and security, have become more apparent since unification. Lack of funds to reconfigure physical space and confusion between the courts and county officials about responsibility for facilities and maintenance, while not strictly the result of unification, have become more pressing concerns since unification. Planning for and funding of facilities are among the most pressing needs of the unified courts.

### **Improvements in Information Management and Technology**

All courts consulted for this study, without exception, identified the need for better information management systems as a direct result of trial court unification. The independence from counties that accompanied state funding of trial courts has also been responsible for pushing courts in new technological directions. The courts' need for improved technology, clearly high before unification, has risen sharply.

Prior to unification, superior and municipal courts often maintained separate and incompatible computer systems with capabilities that reflected the jurisdictional boundaries of the two-tier court system. Since unification, courts have a need for integrated computing resources and technology that can:

- Support the work of a larger and more complex court;
- Access the Judicial Branch Statistical Information System (JBSIS) to meet reporting requirements;
- Allow judicial officers, court executives and other court staff to share information with other courts; and
- Interface with the systems used by justice system partners as well as the public.

As a result, courts have expressed a desire to ensure at least some level of standardization in the systems deployed and for state-level leadership in court technology.

### **Summary of Impact on Court Operations**

The unified trial courts of California are fewer in number, larger in size, and more complex organizational systems than were the courts of separate jurisdiction. Because each of the unified courts has distinctive administrative and management structures, it is difficult to quantify the impact of trial court unification on court operations. The results of this analysis suggest, however, that it is the similarities among the courts — not the differences — that provide the basis for shared experiences with unification.

The common characteristics of courts (e.g., constitutional authority, judicial powers, funding processes) contribute to general agreement that the courts have made substantial operational improvements since unification. In general, court managers and staff, as well as the judiciary, believe that unified courts are or can be more efficient than courts of separate jurisdiction. Their experiences since unification have shown that:

- Improved calendars and case management practices have reduced backlogs and, in some courts, decreased time to disposition;
- Standardization of rules, policies, and procedures have made the courts more consistent; and
- Improvements in technology and use of facilities have made the courts more responsive to the needs of the users.

Listed in the table below are strategies courts have used to achieve these improvements in court operations.

<b>Table 5. Successful Strategies for Improving Court Operations</b>	
	<i>Successful Strategies</i>
<i>Leadership</i>	Hired/promoted managers with county-wide perspective, broad management experiences.
<i>Decision-making</i>	Conducted focus groups with court partners to get their input. Created employee task forces to address key operational issues.
<i>Communications</i>	Integrated e-mail, LAN, WAN across courts. Held monthly regional meetings with neighboring courts.
<i>Information and Technology Systems</i>	Created a Management Information System (MIS) Steering Committee, and hired technology support personnel. Utilized World-Wide-Web (www) and Internet to share information with county and public Automated statistical reporting systems. Implemented electronic imaging (i.e., scanning) of documents to reduce paper handling.
<i>Team Building and Motivation</i>	Eliminated all references to municipal court in signs, stationery, etc. Made relocated staff feel welcome (i.e., notes, welcome party, introductions). Made efforts to ensure equity in the allocation of space and equipment. Required court-wide perspective for all procedures.
<i>Calendaring and Assignment Practices</i>	Reorganized staff, offices, and procedures along functional lines.
<i>Training and Recruitment</i>	Hired staff familiar with county administration and operations. Created a trainer position for new personnel and technical support on new procedures. Cross-trained judicial assistants. Cross-court filings training.
<i>Facilities</i>	Closed under-utilized facilities that were costly to maintain.
<i>Other Changes</i>	Created single case management system for civil cases. Centralized location of files. Implemented Order to Show Cause program for summoning jurors.

## Remaining Challenges Regarding Operational Issues and the Courts' Suggestions for Judicial Council Support

For many courts, the operational transition to a unified court is still very much a work in progress. For others, the work of unification is nearly complete. Regardless of the point in the transition that the courts find themselves, there is substantial commonality in the challenges they face and the type of support they could use from the Judicial Council (shown in Table 6 below).

**Table 6. Challenges Regarding Operational Issues and Courts' Suggestions for Judicial Council Support**

	<i>Remaining Challenges</i>	<i>Judicial Council Support</i>
<i>Leadership</i>	Managing relationships with county administration.	<ul style="list-style-type: none"> <li>• Provide technical assistance to court managers as needed.</li> <li>• Provide legal opinions regarding questions of court-county relationships.</li> </ul>
<i>Communications</i>	Sharing information with other courts.	<ul style="list-style-type: none"> <li>• Provide staff support for maintaining a database of information gathered through the informal e-mail network.</li> <li>• Establish a forum or clearinghouse for requesting and posting information to be shared among the courts.</li> <li>• Provide video-conferencing for court executives to meet without excessive travel.</li> </ul>
<i>Information and Technology Systems</i>	Procuring new computer hardware. Integrating software system with those used by other justice system partners. Providing on-line access while maintaining privacy. Upgrading case management system to meet JBSIS requirements. Funding equipment and training in new technology.	<ul style="list-style-type: none"> <li>• Provide leadership in development of a uniform case management and information system for the courts.</li> <li>• Secure funding for equipment and costs to upgrade case management system.</li> <li>• Continue to provide funding, training and technical assistance in area of technology.</li> </ul>
<i>Training and Recruitment</i>	Overcoming adherence to old jurisdictional lines and procedures.	<ul style="list-style-type: none"> <li>• Provide training in change management.</li> <li>• Develop statewide reference manuals and desk guides for common operations.</li> </ul>

**Table 6. Challenges Regarding Operational Issues and Courts' Suggestions for Judicial Council Support**

	<i>Remaining Challenges</i>	<i>Judicial Council Support</i>
<i>Facilities</i>	<p>Securing adequate space for judges, staff, juries, attorneys to meet with clients and conduct court business.</p> <p>Making court facilities ADA compliant.</p> <p>Providing adequate court security.</p> <p>Upgrading facilities and furniture.</p>	<ul style="list-style-type: none"> <li>• Assist the courts in assessing facility needs.</li> <li>• Continue to provide leadership in development of adequate facilities.</li> </ul>
<i>Other Changes</i>	<p>Updating signs and forms.</p> <p>Maintaining coherent case numbering and filing system that makes files accessible when needed by all parties.</p> <p>Implementing single case management system.</p> <p>Conducting internal assessment of service performance.</p>	<ul style="list-style-type: none"> <li>• Secure funding for courts to implement their community-focused court plans.</li> <li>• Simplify forms to facilitate imaging and ease of use (especially by <i>pro pers</i>)</li> <li>• Continue to assist courts in implementing performance standards and service measures.</li> </ul>

## **Quality of Service**

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One of the primary goals of trial court unification is the provision of higher quality services to the communities served by the California courts. Proponents of unification believe that unified trial courts are able to provide more services with less cost escalation than is possible with a two-tier court system. Although a financial analysis of the unified courts is clearly outside the scope of this analysis, the impact of trial court unification on the services and service delivery mechanisms of the court were examined. In addition, the analysis examined relationships between the unified trial courts and their justice system partners and the public.

### **Expansion of Services**

The vast majority of courts consulted for this analysis reported significant expansions in service since unification. The most common of these is an expansion of “specialty” courts and services including the creation or expansion of drug courts, domestic violence courts, and specialized services for juveniles and juvenile offenders. Typically, these programs combine the close supervision of the judicial process with resources available through treatment and prevention programs in an effort to reduce recidivism and offer alternative responses to offenders with problems. Family court services (e.g., family law facilitators) have also been expanded in some unified courts since unification.

The expansion of specialty courts and services to specialized populations has not been solely the result of unification of the courts; rather, grants and legislative appropriations typically fund these programs. The participating courts noted, however, that unification has contributed greatly to the courts’ ability to leverage these resources since a unified court has greater flexibility to direct local resources toward special programs than do smaller courts with separate and limited jurisdiction. While trial court unification was given considerable credit for facilitating the courts’ ability to expand services and develop new programs, it was recognized that court coordination, state funding of trial courts, trial court delay reduction, and other systemic changes to the California courts were also contributing factors.

### **Access to Services**

Since unification, more than half of the trial courts have made substantial improvements in public access to the court. Reorganization of facilities, new

hours of operation, better telephone and on-line access, provision of services in nontraditional locations (e.g., DMV, homeless shelters, etc.), and alternative ways to make filings and payments (e.g., credit cards, ATMs, on-line) have been used to “open the courthouse doors” to a wider range of citizens at times and in ways that offer greater convenience.

The most widely reported change in access to the courts has been an increase in the number of courthouse locations where cases can be filed. As a direct result of the elimination of jurisdictional boundaries, attorneys and the general public can obtain forms, file cases, and in some instances have their cases heard in more locations than were available before trial court unification. These changes were reported in courts of all sizes and across the state, although the specific approaches to increasing access are unique to each court and the community it serves. In general, however, it is widely noted that unified courts provide the public and the court community a wider variety of options for conducting court-related business.

### **Relationship with Justice System Partners**

The relationships between the courts and their justice system partners (e.g., district attorney, public defender, law enforcement, probation) have been changing as the nature of court services and the organizational structure of the courts have changed. Court representatives generally view their relationship with justice system partners as positive and most felt it had improved since unification. The fact that the court can now speak with one voice and has judicial officers and staff who can speak knowledgeably about the full range of programs and services offered by the unified court has been seen as contributing greatly to improving the image of the court.

The relationships between the unified courts and their justice system partners look somewhat different from the viewpoint of the partners themselves. In most cases, representatives of the external organizations reported either improved relationships or no change in relationship with the courts since unification. In a limited number of cases, external partners reported deterioration in relationships with the court since unification, although this was attributed primarily to state funding of trial courts or particular management practices and not to unification *per se*.

Some justice system partners reported inefficiencies as a result of changes that left court staff and judicial officers temporarily unfamiliar with procedures, forms, or surroundings that were new for them. While annoying, these impacts were temporary and appear to diminish with experience. Other issues of concern involved:

- Law enforcement and court security personnel who reported difficulties in maintaining adequate coverage for courtrooms due to heavier use since unification;
- Relationships between the courts and the counties who traditionally provided the courts with support services such as information technology, personnel, and facilities maintenance. These relationships have become strained as the courts achieve greater levels of independence through state funding of trial courts and unification;
- Public defenders who reported difficulties in adjusting their staff assignment practices, as needed, to adapt to new judicial assignment practices; and
- Justice system partners who believed that they were not adequately consulted or notified about changes in operating procedures.

On the positive side, justice system partners noted improvements in:

- Negotiating, communicating, and coordinating activity with a single court, rather than two or more individual courts;
- Uniformity of procedures and rules of court that began as a result of court coordination and have continued since unification;
- Case processing and case management procedures that have occurred with new calendaring procedures; and
- Time to trial and sentencing, as well as the increased availability of alternative dispute resolution services.<sup>11</sup>

### **Public Perception of Accessibility, Fairness and Equity**

Generally, the court community did not expect the public to notice significant change in fairness or equity as a result of trial court unification. Because most members of the general public have very limited interaction with the courts, it is unlikely that they would notice improvements in the internal functioning of the courts. Even if such improvements were noticed, they would almost certainly not

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<sup>11</sup> Many justice system partners who, prior to unification, were fearful of loss in the quality of justice as a result of inexperienced judges reported that this was generally not an issue in the unified courts.

be attributed to trial court unification. It was expected that frequent users of the courts might find the court more accessible, less confusing, or more responsive to their needs, although it was considered unlikely that perceptions of fairness or equity would be affected.

In spite of the fact that the direct operational changes in the courts resulting from unification are essentially invisible to the public, both judicial officers and court employees reported that the process of unifying the courts had increased their attention to issues related to public service and accountability. In other words, the act of planning for and implementing court coordination and trial court unification provided new opportunities to look at the mission and the goals of the court and to align procedures to be consistent with those goals. Strategies for effectiveness that reflect expediency, cost effectiveness, fairness, and protection of the legal rights of the public are increasingly being implemented in the unified superior courts of California. It was noted that these goals for court performance are the reasons for, not the result of, trial court unification.

### **Summary of Impact on Quality of Service**

The courts and their justice system partners reported that the level and quality of service has improved since unification. Program expansions and increased access to services has been possible as a result of more cost-effective use of judicial officers and court staff than could be achieved by courts with separate jurisdictions. Listed below are some of the strategies for improvement in the quality of court services identified in the analysis.

<b>Table 7. Successful Strategies for Improving Quality of Services</b>	
	<i>Successful Strategies</i>
Decision Making	Justice-system forums as a mechanism for planning and collaboration with justice system partners. Established Criminal Justice Cabinet within the county. Presiding judge met regularly with local bar association.
Information and Technology Systems	Created Web site and on-line access to information, forms. Provided technology-based filing, (e.g., fax, electronic filing, Interactive Voice Response (IVR)).
Training and Recruitment	Trained staff in customer service <sup>12</sup> Provided specialized classes for staff (e.g., Leadership, Learning Styles).
Facilities	Increased hours of operation. Standardized hours of operation across facilities. Provided one-stop filings, information, and dispute resolution locations. Offered services at non-traditional locations, (e.g., mobile court, DMV, homeless shelter, etc.). Added phone lines and coverage; provided separate line for attorneys. Developed American's with Disabilities Act (ADA) compliance task force. Improved weapons screening at courthouses. Provided bailiffs in Family Court.
Community Outreach	Enhanced services to families (e.g., hired a Family Law facilitator.). Developed feedback surveys for areas where public interacts with courts. Created public education program (e.g., brochures, speaker's bureau). Implemented community-focused court planning strategies. Developed youth programs (e.g., court tours, courtroom to schoolroom classes, mentor program). Issued an Annual Report publicizing changes in the court.
Other Changes	Hired organizational developer (OD) expert to assist court in developing goals for quality service. Vertical calendaring to reduce forum shopping.

<sup>12</sup> Methods used included Ken Blanchard's The One-Minute Manager and Steven Covey's Seven Habits of Highly Successful People.

## Remaining Challenges Regarding Quality of Service and Courts' Suggestions for Judicial Council Support

In the early stages of unification, trial courts have been able to achieve some of the anticipated improvements in service. With these improvements comes heightened awareness of old challenges and the emergence of new challenges facing the courts. Table 8 below lists some of the remaining challenges that unified courts face in the delivery of high quality service along with recommendations for ways that the Judicial Council can support their efforts.

	<i>Remaining Challenges</i>	<i>Judicial Council Support</i>
<i>Information and Technology Systems</i>	Using Internet as a means for providing information regarding court services and programs.	<ul style="list-style-type: none"> <li>Standardize methods for providing information via the Internet.</li> <li>Create Web-based versions of forms.</li> </ul>
<i>Training and Recruitment</i>	Funding to hire needed staff. Allowing adequate time for staff training.	<ul style="list-style-type: none"> <li>Provide leadership to assess and resolve staffing resource needs.</li> </ul>
<i>Facilities</i>	Offering jury trials in remote locations. Providing adequate parking. Balancing efficiency with public convenience. Decentralizing case-processing services.	<ul style="list-style-type: none"> <li>Provide leadership to assess and resolve facilities needs and issues.</li> </ul>
<i>Community Outreach</i>	Increasing access to courts for working poor. Increasing availability of legal aid services. Improving public relations. Locating interpreters for Asian languages (e.g., Japanese, Vietnamese). Providing better pro per assistance. Providing after-care services for therapeutic courts.	<ul style="list-style-type: none"> <li>Secure funding for additional staff needed to maintain specialty courts.</li> <li>Provide in the budget process an explicit recognition of local needs and follow with funding.</li> </ul>
<i>Other Changes</i>	Ensuring adequate review and appellate processes. Integrating services with other justice system partners.	<ul style="list-style-type: none"> <li>Monitor reviews and appeals statewide.</li> </ul>

## Summary of Findings

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Findings from this analysis show several benefits to the communities the courts serve, as well as to the judiciary and court staff. Although it was often difficult to distinguish the independent effects of unification from those associated with other legislatively-mandated changes in the California courts, unification was widely viewed as providing courts with:

- Greater flexibility in the assignment of judicial officers and functional, rather than jurisdictional, organization of the judiciary;
- More effective utilization of non-judicial staff resources through functional reorganization, cross-training, and flexibility in assignment;
- Improved case scheduling through integration of cases and better case management practices;
- Greater uniformity in the policies, procedures, and rules governing court operations;
- Improved technology;
- Greater access to the courts by the public as a result of more efficient and effective utilization of court facilities; and
- Opportunities for expansion of court services as a result of efficiencies in the management of resources.

These findings are consistent with the anticipated benefits of trial court unification presented by the National Center for State Courts in 1994.<sup>13</sup> Although trial court unification has not been without problems and continues to be a work in progress, this analysis suggests that unified courts do, in fact, provide an environment that allows for significant improvements in operations and higher quality of service from the California courts.

### Overall Impact

In addition to specific areas of impact, the analysis also attempted to gauge whether there are systemic changes in the courts as a result of unification. Overwhelmingly, participating judicial officers, court staff, and justice system partners agreed that trial court unification has had a substantial positive effect on court culture — especially in the areas of working together and providing quality

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<sup>13</sup> *California Unification Study*, National Center for State Courts, February, 1994.

services to the public. The reasons for this belief are summarized in Table 9 below.

Participants in the study overwhelmingly agreed that, overall, unified courts are a positive development in the state. It was rare for a member of the court community to assert that unification had harmed either the public or the courts. Rather those who did not proclaim that trial court unification was a positive force generally believed that its goals had already been achieved under court coordination. One judge did opine that unification is largely irrelevant to the critical issues facing the court because it “addresses only the structures of the organization, and not the quality of the service provided” by that organization. He suggested that courts must address these quality issues or risk disrespect, irrelevance or obsolescence.

Responses to the questions concerning the overall impact of unification suggest that creation of the unified courts does, in fact, facilitate a shift in culture toward issues of quality and service. The systemic benefits listed below suggest that unification not only changes the ways that courts view themselves, but also provides a powerful platform for changing the ways that the courts are perceived externally.

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**Table 9. Overall Benefits of Trial Court Unification**

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- Provides an environment for more effective utilization of judicial and support resources and reduced duplication of effort.
  - Allows for greater cooperation and teamwork between the judiciary, other branches of government, and the community.
  - Creates a more efficient structure for governance of the courts.
  - Allows for more efficient case processing and timely disposition of cases.
  - Allows for redirection of resources toward increased and improved public services.
  - Enhances opportunities for innovation; creates an environment for self-evaluation and re-engineering of operations.
  - Provides more coherence to the courts, a single point of entry, and increased understanding by other branches of government and the public.
  - Increases uniformity in policies, practices and rules both within a county and throughout the state.
  - Provides for greater public access.
  - Allows the court to act as a unified entity, speaking with one voice in dealings with the public, county agencies, and the justice system partners.
  - Increases focus on accountability and quality of service.
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## Lessons Learned

The analysis of trial court unification documented successful strategies that courts used to restructure and reorganize the judiciary, the staff and court procedures, as well as the challenges that courts face as they continue the process of change. Common themes in both the successful strategies and the remaining challenges were reviewed in an effort to identify the significant *lessons* that were learned as a result of initial efforts to unify the trial courts in California. Listed below is a brief summary of the most significant lessons identified in the analysis.

<b>Table 10: Lessons Learned from Trial Court Unification</b>	
<b>Judicial Leadership</b>	<b>Strong, committed leadership from the judiciary is essential.</b>
Commitment on the part of the leadership of the court (e.g., Presiding Judge, Executive Committee, etc.) is needed internally — to help form a consensus among judicial officers, to manage the generally larger pool of judicial resources of the unified court, and to take full advantage of the opportunities for cross assignment of judges that result from unification. Courts that were under the leadership of a supportive Presiding Judge who reached out both to the judiciary and the community experienced smoother transitions to a unified court.	
<b>Decision Making</b>	<b>Participatory decision making is an effective tool for change.</b>
The forging of new systems and processes to support and manage the unified court benefits from the input and involvement of all affected parties. It is important, for example, that the judiciary have input into decisions involving allocation of judicial resources. Similarly, administrative personnel must be consulted on case management practices, new technologies, and other tools used to support the court. Even more broadly, to the extent that justice system partners are consulted concerning the development of new case processing and case management policies, the resulting changes are more widely accepted and the court is viewed more positively by its constituents.	
<b>Communications</b>	<b>Communications are needed to develop trust and collaboration.</b>
Change, even positive change, creates anxiety. Courts undergoing structural reorganization as a result of unification found that judicial officers, staff, and court users had a heightened need for information as well as reassurance. Courts that adopted procedures for frequent and regular information sharing were able to effectively address the concerns of all parties. They also learned that the unified court could not depend on the informal, interpersonal networks of communication that existed in the smaller courts of separate jurisdiction. New communications networks, capable of reaching larger groups, were needed to provide reliable information.	
<b>Information and Technology Systems</b>	<b>Technology is vital to improving court performance.</b>
Unified courts are larger than their predecessors and are asked to do more and be more accessible, often with the same resources. The infrastructure needed to support this new organization requires new forms of technology, particularly in the area of information management. In addition, technology-based systems for public access to the courts proved to be a powerful tool for improvement of services.	

**Table 10: Lessons Learned from Trial Court Unification**

<b>Team Building and Motivation</b>	<b>Getting everyone on the same team is as important as skill training.</b>
<p>Prior to unification, the superior and municipal courts in many counties had decidedly different cultures (e.g., differences in perceived status, customary operating procedures, and personnel practices). Courts that utilized group meetings, joint task forces, social gatherings, and similar techniques to bridge these cultures found that their employees were better able to make needed accommodations to the unified environment. In addition, cross-training and rotations in work assignments helped both the judicial officers and staff learn to work together and forge a common vision for the court.</p>	
<b>Training and Recruitment</b>	<b>Cross-training requires a balance between specialization and flexibility of assignment.</b>
<p>Cross-training of non-judicial personnel is critical in order to take advantage of the flexibility of case assignment that resulted from unification. Many courts learned, however, that it is not practical to train non-judicial personnel on all case types. Rather, personnel are trained in several different types of case filings to provide greater flexibility while retaining the quality of their work. An added advantage of this more cooperative environment is that it provides additional career opportunities for employees since their expertise is less narrowly defined.</p>	
<b>Facilities</b>	<b>Court facilities and design can severely limit the ability to reorganize and restructure court operations.</b>
<p>Space is defining. As courts have tried to improve services, they have also learned that the existing facilities frequently are not constructed to take full advantage of unification (e.g., space too limited in existing facility to permit functionally co-locating files). Until facility issues are addressed, many courts will be unable to achieve the full benefits of unification.</p>	
<b>Community Outreach</b>	<b>Receiving input from the community provides helpful direction for quality service.</b>
<p>Courts exist within a broader context of justice system partners and the citizens they serve. Unified courts that recognized this fact, and embraced the community through a variety of outreach efforts (e.g., focus groups, community task forces, meetings with the local Bar), were better able to meet the needs of the citizens and maintain high regard in the external environment.</p>	
<b>Change is Good</b>	<b>Change must be viewed as an opportunity for continuous improvement.</b>
<p>A large number of court representatives noted that unification provided an opportunity to reexamine their business practices and brought unanticipated opportunities for creativity and innovation at many levels. Judicial officers and court managers who accepted, encouraged, and rewarded such innovation saw greater improvements in service delivery within their courts.</p>	

## RECOMMENDATIONS

California Government Code Section 68113(d) charges the Judicial Council of California with establishing *a process to assess the effectiveness and efficiency of those trial court systems that have unified*. To assist with meeting this mandate, the contract between the Judicial Council of California and the American Institutes for Research (AIR) calls for recommendations concerning:

- How the Administrative Office of the Courts (AOC) can best support the efforts of local leaders and local courts in implementing and improving trial court unification and how the benefits of trial court unification can be maximized.
- Data/information that the Judicial Council and the AOC should collect to measure the effects of unification on the trial courts including when the data collection should be conducted, methods that should be used, and analyses made possible with these data.
- Other ways that the Legislature, the Judicial Council, and the AOC can assist the unified courts in their efforts toward continuous improvement.

The following recommendations summarize the courts' suggestions for ways that the Judicial Council AOC can help them to maximize the benefits of trial court unification. The recommendations fall into two categories that reflect two important roles of the Judicial Council — Advocacy and Service — and build on several initiatives already underway.

### Scope of the Recommendations

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The trial court unification analysis presented here suggests that the primary way that the Judicial Council can support the unified courts is by moving beyond the issue of trial court unification. Judges in all but a handful of California counties voted to unify their courts within the first year that such a vote was possible; judges in all of the remaining counties eligible for unification have since voted to unify. Many courts have successfully addressed the immediate challenges that unification posed. In addition, the courts in California view trial court unification primarily as a process — a work that has been in progress for the better part of a decade — rather than an isolated event. As a result, the critical issues confronting the courts are no longer necessarily viewed as issues of trial court unification.

The recommendations presented here, therefore, do not specifically focus on the topic of unification. Rather, they describe ways that the Judicial Council and the AOC can work with the courts to meet remaining challenges and prepare for the anticipated future.

### **Guiding Principles**

Underlying these recommendations are several tenets, or principles, that courts emphasized throughout the study. These principles reflect the courts' desire for a coordinated statewide court system that is sensitive to the diversity and character of the individual courts. These guiding principles are:

- *Integration*: Build on existing efforts within the Judicial Council and the AOC and work to ensure that those efforts form a coordinated and integrated whole.
- *Flexibility*: Recognize the diversity of the courts and that there is no single “best way” for all courts to operate.
- *Autonomy*: Balance statewide uniformity with the courts' need for independence and self-management.
- *Innovation*: Encourage creativity and new approaches to service delivery within the courts.
- *Collaboration*: Involve the courts and court users in the development of policy and the design of programs and services.

### **Advocacy for Courts**

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In accordance with the California Constitution, the law, and the mission of the judiciary, the Judicial Council is dedicated to providing leadership for improving state court administration. In its strategic plan, the Judicial Council lists as one of its roles “to provide leadership in the administration of justice by planning and advocating for policies and resources that are necessary for courts to fulfill their mission.”<sup>14</sup> Thus, advocacy on behalf of the courts is an important part of the Judicial Council's mission. Several recommendations for advocacy emerged from this study; Judicial Council action is already underway in several of those areas.

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<sup>14</sup> Judicial Council of California, *Leading Justice into the Future: Long Range Strategic Plan* updated April 29, 1999, page 2.



## **Judicial Resources**

*Reassess judicial resource levels and provide adequate funds to meet judicial service needs.*

Judicial Council support for filling vacant judicial positions, funding of the assigned judges program, and allocating new judgeships is critical to the success of the unified courts. Although the reallocation of judicial resources made possible by unification has helped courts address the backlog of cases, this is only a stop gap measure for many courts that face continuing judicial vacancies and increasing demand as the population of California continues to increase. Even with unification, burdensome caseloads resulting from lack of adequate judicial resources is an impediment to providing quality service to the public.

## **Court-County Relations**

*Assist courts in making the transition from county to court administration.*

State funding of trial courts and unification have fundamentally changed the relationship between court and county administrations. State funding established the financial independence of the local courts from the county. Unification has allowed local courts to speak with one voice when working with county agencies or negotiating with the county for services. It is important for the Judicial Council to support the trial courts' transition from county administration to local management by identifying needed legislation, drafting model agreements, and providing necessary legal guidance.

## **Court Employee Status**

*Finalize resolution of employment status for court employees by promoting legislation to implement recommended changes.*

The status of court employees was placed in limbo as a result of the combined changes of state funding, court coordination, and unification. A Task Force on Trial Court Employees charged with making recommendations for a personnel system for trial court employees issued its final report on December 31, 1999. The task force unanimously recommended that trial court employees be considered employees of the court and have court employment status. The Judicial Council has co-sponsored legislation (Senate Bill 2140, Burton) to implement this recommendation.

## **Facilities**

*Establish a statewide system for comprehensive planning, financing, and construction/ renovation of court facilities and incorporate those needs into the budget process.*

While the need for improved court facilities, including increased court security, existed prior to unification, this need has become more pressing as courts seek to realize the benefits of unification. Existing facilities that were designed on the basis of obsolete jurisdictional divisions rather than countywide needs are inadequate for meeting the needs of the unified court. Efforts to modernize judicial facilities can be facilitated by a statewide facilities plan that identifies emerging needs and helps courts determine whether these needs are best met through facility renovation, new construction, leasing or other options. The legislatively established Task Force on Court Facilities, formed to address this issue, is conducting a statewide study.

## **Support Resources**

*Identify and promote increased funding for the new support resources, especially in the areas of human resource management, that arise as a result of state funding and unification.*

Unified courts are larger and require more integrated operation and information systems than their predecessors. This, along with changes in court-county service relationships that accompanied state funding, has greatly increased the demand for personnel and infrastructure support in such areas as technology, human resources management, and training. Courts in the smaller counties may require greater assistance in dealing with emerging infrastructure needs because they cannot capitalize on economies-of-scale to the same extent as courts in larger counties. The Judicial Council can help courts by identifying statewide court infrastructure needs and working with the Legislature to provide the necessary funding.

## **Trial Court Funding**

*Propose modifications to the state funding formulas and the court budget development process to ensure adequate and predictable funding for the courts.*

The Lockyer-Isenberg Trial Court Funding Act of 1997 (Assembly Bill 233) substantially changed the funding responsibilities between state and local government as well as the structure and administration of court budgets. Several issues related to implementation of state funding must be resolved if the courts are to have a clearly defined and predictable budget process. These issues include mechanisms for predicting and securing cost-of-living adjustments and salary alignment, statewide uniformity in definitions of costs and expenditures, and local discretion in use of funds allocated to the courts. The Judicial Council is encouraged to facilitate resolution of these issues<sup>15</sup> and advocate for adequate funding for the needs of the unified court.

## **Service to Courts**

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Complementary to its advocacy role, the Judicial Council's mission includes offering a variety of services to the courts, such as a comprehensive program for judicial education and training for court employees and assistance with developing action plans that address local needs and priorities. During the course of this study, the experiences of the courts revealed a number of ways in which the Judicial Council and the AOC can expand or improve services to the courts.

### **Coordination of Research Efforts**

*Coordinate research, reporting requirements, and requests for information in ways that minimize the burden on the courts and increase access to information.*

Frequent and duplicate requests for data and information from the AOC have taxed the resources of the courts. Since unification, these requests have fallen on staff who have also seen their responsibilities expand. Moreover, a lack of feedback to the cooperating courts and the failure to make the information accessible has reduced the motivation of the courts to respond to special requests for information. The courts have suggested that the AOC modify its data-gathering activities in ways that minimize the burden on the courts (e.g., limiting the number and length

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<sup>15</sup> The Budget Act of 2000 directs the Judicial Council to work with the Department of Personnel Administration to a number of personnel-related issues.

of surveys) and increase the courts' access to the information provided. Improved coordination of data gathering activities is one of the objectives of recent efforts of the AOC.

### **Judicial Training**

*Increase access to training for judicial officers through such means as regional delivery of programs and distance learning.*

Unification has increased the demand for judicial training, although the courts also reported that access to training was limited by the busy calendars of judicial officers. To accommodate judicial schedules and improve access to training, judicial officers recommended that training programs be scheduled on a regional basis, structured into shorter time frames, use videoconferences and other means of electronic communication, and continue to be made available in multiple formats (e.g., on-line and hard-copy).

### **Court Staffing**

*Assess issues related to recruitment and retention of a qualified and culturally, ethnically, and racially diverse court workforce.*

Several critical staffing issues, both related and unrelated to trial court unification, are facing the courts statewide. Unification had increased the required skill levels of court clerks and other court employees. The heterogeneity of California's population calls for a more diverse court workforce to serve the needs of all citizens. Recruitment and retention of highly-qualified employees is made more difficult for courts by shortages in the labor supply; a problem particularly acute in areas where the cost of living is high. The Judicial Council can assist the courts in understanding and addressing their staffing needs through a statewide assessment of turnover of court employees, barriers to employment of qualified personnel, and the impact of changes in court employee status on recruitment, retention, and career development.

## **Staff Development**

*Increase access to training for court staff through case-specific training programs, regional delivery of programs, shorter training programs, and distance learning.*

Staff development and training needs have increased since unification, as courtroom personnel and processing clerks need to be increasingly familiar with a wider variety of cases. The courts reported the need for training that is case-specific, structured into shorter time frames, delivered regionally, and uses electronic technology (rather than travel) to link courts together. It is recommended that the AOC initiate a comprehensive needs assessment and develop delivery systems that meet current structures and technologies.

## **Change Management**

*Provide additional training and information sharing in areas related to change management and court re-engineering.*

Courts have experienced a great deal of institutional and cultural change over the past decade as a result of court coordination, unification, and the transition to state funding of courts. Far from being over, courts are beginning to see change as an ongoing opportunity for continuous improvement. The Judicial Council and AOC are encouraged to promote the openness to innovation by providing change management training to senior court managers and by facilitating the sharing of information among courts on strategies for managing change.

## **Technology and Communications Infrastructure**

*Develop statewide standards for computer technology, telecommunications, and case management systems that promote statewide compatibility in the communications infrastructure.*

Technology is vital to improving and enhancing the quality of justice by improving the courts' capacity to collect, process, analyze, and share information. To promote statewide consistency in court technology, the courts have suggested that the AOC establish statewide standards for computing systems and case management software. The strategic and tactical plans of the Court Technology Committee represent steps in addressing these statewide issues. The AOC's

current work on a *Model Case Management System* is also an initial step in this direction.

### **Technology Assistance**

*Provide technical assistance and improve training on use of technology and the judicial branch information system.*

The technological infrastructure that unified courts require to provide more integrated services to the public and to keep informed of statewide judicial developments continues to be a challenge for the unified courts. Assistance in keeping abreast of technological developments, in the application of technology to enhance service delivery, and in the use of the judicial branch information system (including *Serranus*) are common needs for the unified courts.

### **Information Management Service**

*Establish a Court Management Information Service that provides statewide information on key operating and service delivery characteristics of the courts.*

The courts and the AOC report suffering simultaneously from too much unused data, too many requests for data, and a lack of meaningful statewide information for decision-making. These coexisting states of information overload and information isolation are the result of data systems that are neither coordinated nor well-integrated and do not include effective processes for sharing information. To address this problem, the courts suggested that the Judicial Council and the AOC develop a *statewide management information service for the courts*.

The concept of a court management information service is to create a systematic, statewide repository for statistical data, qualitative information (e.g., approaches, anecdotes, lessons learned), and court reference materials as well as a place for interactive electronic discussion on critical issues facing the courts. The structure and content of the management information service are outlined in Appendix C.

It is recognized that there are several related initiatives already underway within the judicial branch, including *Serranus*, the internal Web site of the judicial branch, and the creation of the Judicial Branch Statistical Information System (JBSIS). It is expected, however, that even with these efforts, some of the courts' information needs will not be met. To ensure that the *court management information service* is consistent with existing efforts and provides useful

information to the courts, it is recommended that the courts be heavily involved in the design, development, and implementation of the service.



## Appendix A

### Trial Court Coordination and Other Court Changes

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The California courts have been in a constant state of change during the past decade. The mandated coordination of superior and municipal courts was a major source of change for a number of years prior to unification. The formal initiation of coordination efforts began with the Trial Court Realignment and Efficiency Act of 1991 which prescribed a three-year coordination effort from FY 1992-1993 to FY 1994-1995 for trial courts to achieve cost savings and reduce trial delays. In 1992 Assembly Bill 1344 permitted courts with approved coordination plans to establish a single presiding judge, executive committee, or court executive officer to facilitate court operations. In 1995, the Judicial Council adopted a new Rule 991 that prescribed the following coordination standards in terms of milestones for trial courts within each county:

- *Coordination of Court Leadership:* A coordination oversight committee with responsibility for court-coordination activities was to be established by July 1, 1995. The committee was to have responsibility for governance of court-coordination activities by January 2, 1998.
- *Judicial Coordination and Integration of Court Staff:* By July 1, 1996 the judicial activities and all direct court support services for all courts within a county were to be coordinated to maximize the efficient use of judicial resources countywide.
- *Countywide Information and Technology Plans:* By September 1, 1996 trial courts were to submit plans for countywide implementation of information and other technology systems.
- *Unified Budget Planning and Management:* A single budget for all trial courts within the county was to be submitted for FY 1997-1998. Courts were to establish unified financial management and budget procedures by FY 1998-1999.
- *Uniform rules:* Trial courts were to adopt and implement by July 1, 1998 a uniform set of local rules that would apply countywide.

- *Single Executive Officer*: Trial courts were to appoint a single executive officer with countywide administrative responsibility to report to a single presiding judge or oversight committee by July 1, 1999 or alternative local options upon Judicial Council approval.

During the late 1990's, the functioning and organization of courts were subject to the transformation to state funding of trial courts, which was often tied to coordination mandates (e.g. unified budget). More recently, the courts have undertaken community-focused court planning. In addition, external factors (e.g., Y2K planning, the strong economy, changes in county government) have also significantly impacted the structure and operations of some courts. Local courts often find it difficult to disentangle the unique impact of trial court unification. Recognizing that this is true, the study design attempts to keep focused on the impact of trial court unification and to assess the extent to which unification has played a role in contributing to improvements in court functioning.

## Appendix B

### Trial Court Unification Policy Conference

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A policy conference of court managers from 20 of the 53 study courts was held on April 18-19, 2000. The purpose of the conference to get statewide input into the key findings concerning the impact of unification and to achieve consensus on the processes useful for assessing the effectiveness and efficiency of unified courts in the future. The participating courts, which included the four case study courts and 16 other courts, were selected to be broadly representative of courts of differing size and location and included:

- Six large counties (populations in excess of 1 million residents);
- Nine medium-sized counties (populations between 250,000 and 1 million); and;
- Five small counties (populations under 250,000).

The courts represented at the policy conference serve 80 percent of the population living in the 53 California counties whose courts were unified in April 1999<sup>16</sup>. The table on the following page lists the participating courts.

Participants were sent a pre-conference worksheet that summarized preliminary findings on the impacts of unification from the case studies and workshops and were asked to provide information on their own court's experience. The worksheet results provided the basis for discussion among participants to better understand the impacts of unification and to determine how to assess the effectiveness and efficiency of unified courts in the future.

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<sup>16</sup> This is the date that the study was commissioned.



<b>Courts Attending Trial Court Unification Policy Conference</b>			
<b>Superior Court of :</b>	<b>1998 Population</b>	<b>Judicial Positions</b>	<b>Staff FTE</b>
Alameda County	1,408,100	82	851
Contra Costa County	900,700	41	385
El Dorado County	147,600	8	80
Fresno County	786,800	42	403
Imperial County	142,100	10	77
Orange County	2,722,300	141	1,729
Riverside County	1,441,200	66	690
San Bernardino County	1,621,900	70	812
San Diego County	2,794,800	149	1,650
San Francisco County	789,600	64	503
San Joaquin County	545,200	28	268
San Luis Obispo County	239,000	12	135
San Mateo County	715,400	33	339
Santa Barbara County	405,500	24	263
Santa Clara County	1,689,900	89	856
Stanislaus County	427,600	21	182
Tulare County	360,400	19	186
Tuolumne County	52,800	4	31
Ventura County	730,800	30	324
Yolo County	156,800	10	84

*Source:* Administrative Office of the Courts, Research and Planning Unit.

## Appendix C

### Statewide Management Information Service for the Courts

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The *court management information service* is a statewide system that provides the information needed for ongoing analysis of the unified courts. As envisioned, the service would provide the basis for common understanding of all courts statewide, for establishing policy, and for enhancing court management. As such, information contained in the *management information service* would be used to:

1. Demonstrate to **the public, the Legislature, and the Governor** that the courts are:
  - Responsible stewards of public funds;
  - Deserving of additional resources;
  - Capable of managing effectively; and
  - Willing to be held accountable.
  
2. Provide the **court community** with information needed to:
  - Examine the courts' efforts and evaluate their results;
  - Assess the need for adjustments or changes in structure or operations;
  - Identify systemic barriers that keep courts from improving;
  - Implement service improvements; and
  - Maintain credibility as an employer and provider of quality public service.
  
3. Allow the **Judicial Council and the Administrative Office of the Courts** to:
  - Effectively advocate for the judicial branch of government;
  - Plan for the future needs of the courts;
  - Learn how California courts compare with those in other states; and
  - Determine how to help courts achieve their goals.

It should be noted that the *court management information service* could not be used to compare the efficiency and effectiveness of the trial courts before and after unification. Prior to state funding and more recently unification, the courts did not have common, statewide administrative structures or systems (e.g., budget, personnel). Therefore, the ability to define standard measures and data was extremely limited. The court management information service is an effort to address that deficiency by defining and creating a process for collecting information that is important for the courts and their constituencies. This service

will build on current efforts to develop statewide administrative structures and systems.

### **Data to be Included in the Service**

The courts suggested that *court management information service* contain:

- *Historical data and reports.* The service would provide access to the quantitative data (e.g., key operating characteristics and the services offered by the courts) which is periodically collected by the AOC. To be useful, these data would need to be in electronic format and searchable by keyword and court name.
- *References and court resources.* The service would include access to reference and resource materials maintained by the AOC such as bench guides, the Judicial Administration Library, and legal reference and resource materials.
- *Descriptive qualitative information about court services and operation.* The service would provide information on how courts provide their services (e.g., access to the courts, community outreach, etc.) and how they function in key operational areas (e.g., case processing, court calendars, etc.). The *management information service* would facilitate sharing of information on effective practices.
- *Interactive electronic discussion.* The service would provide the capability for information exchange by allowing users to post queries and to participate in interactive discussions. To be useful, this information would need to be organized and indexed for easy search and retrieval.

Initially, the service should focus on a limited amount of information and should emphasize data that are useful for *statewide* analysis. In other words, the service is not expected to eliminate the courts' need to collect information or research local management decisions. Rather, it is hoped that the service will provide a statewide profile of the courts and would include data elements such as the following.

<b>Data to be Included in the Statewide Information Service</b>	
<b>Resources (Inputs)</b>	<b>Examples</b>
Personnel	Judicial resources Assigned judicial resources Non-judicial staffing levels Organizational charts and staff allocations
Structures	Calendar systems used Judicial assignment and terms of assignment Staff organization Courtroom clerk report practices Areas for sharing of costs and elimination of duplication
Facilities	Usage patterns for courthouses Public service hours Telephone answering systems Locations allowing multiple filings Expanded locations for trials and other services
Costs	Judicial salaries and expenditures Staff salaries and FTEs Judicial and staff training New infrastructure costs (e.g. HR, IT equipment, etc.) Cost per filing
<b>Services (Outputs)</b>	<b>Examples</b>
Case Processing	Time to disposition by case type Numbers and ages of pending cases (backlog) Number of filings compared to dispositions Number of sworn juries Revenue collection (i.e., processes, volume, rates)
Programs and Services	Number of specialty/therapeutic courts Regionalization of services Grant programs and services Use of alternative dispute resolution procedures Pro per services Family law facilitator or conciliation counselor staffing Court interpreter services (requests and languages)
<b>Quality of Service (Outcomes)</b>	<b>Examples</b>
Justice System Outcomes	Recidivism rates Jail census
Access	Waiting time for services Availability of court Web site and electronic filings Web site hits (volume of use)

## Data Collection and Dissemination

In determining what information to include in the *management information service*, the system should begin with the information about the courts that is already collected and maintained by the AOC. As an initial step, the service could provide courts access to available data. Recognizing that a lack of standardization will make it difficult to use existing data, the service would then develop standard definitions and measures that:

- Allow for meaningful comparisons among the courts;
- Facilitate self-assessment through increased awareness and knowledge of what other courts are doing; and
- Eliminate duplication of effort in the collection and reporting of information.

To make the *court management information service* even more useful, the courts recommended that the information be collected, updated, and stored electronically and be retrievable in a variety of forms (e.g., via the web, in hard copy, etc.). It is also desirable, to the extent possible, to combine data collection and data dissemination as wholly-integrated processes. To meet these goals, the service must be tailored to fit the technological capacity of the courts and must not be overly burdensome or too difficult to use.